

PATENT S.N. 10/602,305 0796/67688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Wendelin J. Stark, et al.

Serial No.

10/602,305

Filed

June 24, 2003

For

FLAME MADE METAL OXIDES

Group

1754

Examiner

Timothy C. Vanoy

Confirmation No.

8278

I hereby certify that this paper is being deposited this date with the U.S. Postal Service in first class mail addressed to Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

Reg. No. 40,837

February 3, 2006

1185 Avenue of the Americas New York, New York 10036 (212) 278-0400 February 3, 2006

RESPONSE TO REQUIREMENT FOR RESTRICTION WITH TRAVERSE OF THE REQUIREMENT

Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450

Sir:

In response to the requirement for restriction made in the Office Action mailed January 5, 2006, Applicant hereby elects claims 1-19, drawn to a method for producing a metal oxide and metal oxides, for consideration on the merits in the present application. Applicant reserves the right to file one or more divisional applications directed to the subject

PATENT S.N. 10/602,305 0796/67688

matter of claims 20-27, if the requirement for restriction is not withdrawn. When the application is otherwise in condition for allowance, claims directed to the non-elected invention may, if required, be cancelled by Examiner's amendment.

The requirement for restriction is respectfully traversed on the grounds that restriction to one of multiple distinct inventions, while within the discretion of the Examiner, is not compulsory, and there are considerations arguing against requiring restriction in the present case.

First, prior art searches for claims 1-19 on the one hand and claims 20-27 on the other will be largely overlapping. As acknowledged in the Office Action, claims 1-19 are related to the remaining claims as combination and subcombinations. If the requirement for restriction is not withdrawn, then presumably two Examiners must search for the identical subject matter (or one Examiner must do so at different times that may be widely separated), thereby utilizing the resources of the PTO to less than maximum advantage.

Second, it is in the interest of the public to be able to determine from study of a single document the metes and bounds of the claimed invention, rather than having to examine two such documents.

Favorable action is respectfully requested.

Respectfully submitted, COOPER & DUNHAM LLP

Donald S. Dowden, Reg. No. 20,701

Paul Teng, Reg. No. 40,837

Attorneys for Applicant